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9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 IN RE SUNPOWER SECURITIES
15 LITIGATION

Case No. CV 09-5473-RS (JSC)
(Consolidated)

CLASS ACTION

16 **STIPULATION AND [PROPOSED]**
17 **ORDER REGARDING CLASS**
18 **CERTIFICATION BRIEFING**
SCHEDULE (Civ. L.R. 6-2) AS MODIFIED
19 BY THE COURT
Judge: Hon. Richard Seeborg
Courtroom: 3, 17th Floor
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1 WHEREAS, on March 5, 2012, this Court entered a Scheduling Order (ECF No. 190)
 2 providing a deadline of September 28, 2012 for Plaintiffs' Motion for Class Certification
 3 ("Motion"), a deadline of December 14, 2012 for Defendants' response, a deadline of February
 4 8, 2013 for Plaintiffs' reply, and setting a hearing date of March 14, 2013;

5 WHEREAS, on September 28, 2012, Plaintiffs filed their Motion, seeking (1) the
 6 certification of this matter as a class action, (2) the appointment of Lead Plaintiffs Arkansas
 7 Teacher Retirement System, Första-AP Fonden, and Danske Investment Management A/S as
 8 Class Representatives, and (3) approving co-Lead Counsel as Class Counsel (ECF No. 226);

9 WHEREAS, Defendants believe they need additional time to conduct discovery related
 10 to class certification issues and respond to the Motion;

11 WHEREAS, Defendants have agreed they will use the additional time to pursue issues
 12 pertaining to Class Certification and the related Federal Rule of Civil Procedure 23 factors;

13 WHEREAS, in light of the [proposed] scheduling changes and the upcoming holidays,
 14 Defendants have agreed to work with Plaintiffs to reasonably accommodate the proposed Class
 15 Representatives in scheduling convenient dates and locations for their respective depositions;

16 WHEREAS, Plaintiffs have agreed that Defendants shall have up to and including
 17 January 25, 2013 to respond to the Motion; and

18 WHEREAS, nothing in this Stipulation is intended to waive either party's rights under the
 19 Federal Rules of Civil Procedure and the Civil Local Rules of this District.

20 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as
 21 follows:

22 (1) Defendants shall have up to and including January 25, 2013, to oppose or otherwise
 23 respond to the Motion;

24 (2) Plaintiffs shall have up to and including March 22, 2013, to file any reply;

25 (3) The Motion shall be heard on April 4, 2013, at 1:30 p.m., or at such time thereafter
 26 that is convenient to the Court, in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden
 27 Gate Avenue, San Francisco, California. Further Case Management Conference continued to
 28 April 4, 2013 at 1:30 p.m.

1 Respectfully submitted,

2 Dated: November 6, 2012

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10 By: /s/ Judson Lobdell
11 Judson Lobdell

12 *Attorneys for Defendants SunPower Corporation,
13 Thomas H. Werner, Dennis V. Arriola, and
14 Emmanuel T. Hernandez*

15 Dated: November 6, 2012

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25 By: /s/ Benjamin Galdston
26 Benjamin Galdston

27 Dated: November 6, 2012

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37 By: /s/ Eli R. Greenstein
38 Eli R. Greenstein

1 Dated: November 6, 2012

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5 By: /s/ Laurence D. King
6 Laurence D. King

7 *Attorneys for Lead Plaintiffs Arkansas Teacher Retirement
8 System, Första-AP Fonden, and Danske Invest
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1 **ATTESTATION UNDER CIVIL LOCAL RULE 5-1(i)**

2 I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this
3 Stipulation and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest
4 that Benjamin Galdston, Eli R. Greenstein, and Laurence D. King have concurred in this filing.

5
6 Dated: November 6, 2012

/s/ Judson E. Lobdell
Judson E. Lobdell

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8 *** *** ***

9
10 **[PROPOSED] ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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13 Dated: 11/9 , 2012



14 HONORABLE RICHARD SEEBORG
15 UNITED STATES DISTRICT JUDGE